

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELLEN J. THAYER

Plaintiff,

v.

FINANCIAL ASSET MANAGEMENT
SYSTEMS,

Defendant.

**ORDER AND STIPULATION OF
DISCONTINUANCE**

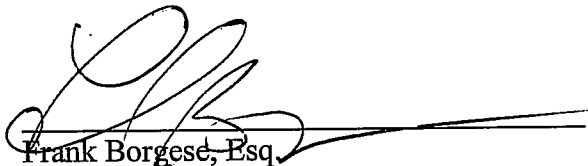
Civil Action No.: 08-CV-0041 (A)

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all parties that whereas no party hereto is an incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the plaintiff's complaint, including any cross-claims, be, and the same hereby are discontinued as against the defendant, in its entirety, on the merits and with prejudice, without costs to any party.

This Stipulation may be filed without further notice with the Clerk of the Court.

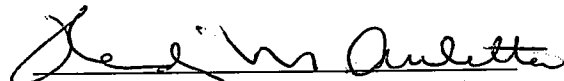
Dated: Buffalo, New York
October 22, 2008

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SO ORDERED:

HON. RICHARD J. ARCARA, U.S.D.J.